

APPENDIX B: REFERENCES

I. Federal Authorities with Full Text References

Promulgating Authority	Reference
U.S. Constitution	US Constitution
White House	
	Executive Order 12333 United States Intelligence Activities
	EO 12382 President's National Security Telecommunications Advisory Committee
	EO 12472 Assignment of National Security and Emergency Preparedness Telecommunications Functions
	EO 12656 Assignment of Emergency Preparedness Responsibilities
	EO 12777 Implementation of Section 311 of the Federal Water Pollution Control Act of October 18, 1972, as Amended, and the Oil Pollution Act of 1990
	EO 12958 , as amended Classified National Security Information
	EO 12919 National Defense Industrial Resources Preparedness
	EO 13010 Critical Infrastructure Protection
	EO 13016 Amendment to Executive Order No. 12580, Superfund Implementation
	EO 13228 Establishing the Office of Homeland Security and the Homeland Security Council
	EO 13231 Critical Infrastructure Protection in the Information Age
	EO 13284 Executive Order Amendment of Executive Orders, and Other Actions, in Connection with the Transfer of Certain Functions to the Secretary of Homeland Security
	EO 13286 Executive Order Amendment of Executive Orders, and Other Actions, in Connection with the Transfer of Certain Functions to the Secretary of Homeland Security
	EO 13288 Blocking Property of Persons Undermining Democratic Processes or Institutions in Zimbabwe
	EO 13295 Revised List of Quarantinable Communicable Diseases

**Domestic WMD Incident Management
Legal Deskbook**

Promulgating Authority	Reference
	EO 13316 Continuance of Certain Federal Advisory Committees
	Homeland Security Presidential Directive 1: Organization and Operation of the Homeland Security Council
	HPSD 3: Homeland Security Advisory System
	HPSD 5: Management of Domestic Incidents
	PDD 39 United States Policy on Counterterrorism
	PDD 62 Combating Terrorism
	PDD 63 Protecting America's Critical Infrastructures
	Proclamation 7463 Declaration of National Emergency by Reason of Certain Terrorist Attacks
Department of Defense	Air Force Instruction 44-119 Medical Clinical Performance Improvement
	CJCSI 3125.01 Military Assistance To Domestic Consequence Management Operations In Response To A CBRNE Situation
	DoD Directive 5240.1-R Activities of DoD Intelligence Components that Affect U.S. Persons
	DoD Directive 5525.5 DoD Cooperation with Civilian Law Enforcement Officials
	DoD Directive 3025.1 Military Support to Civil Authorities
	DoD Directive 3025.12 Military Assistance for Civil Disturbances
	DoD Directive 3025.15 Military Assistance to Civil Authorities (MCSA)
	DoD Directive 3025.1-M MCSA Manual
	DoD Directive 6205.2 Immunization
	DoD Directive 6205.3 DoD Immunization Program for Biological Warfare Defense
	Implementation Guidance ASD HD SecDef Memorandum, Implementation Guidance for ASD (HD)
	The Role of the Department of Defense in Supporting Homeland Security
Department of Justice	Ashcroft Freedom of Information Act Memo
United States Code	5 USC 552 Freedom of Information Act and Privacy Act
	5 USC 552 Amendment

Promulgating Authority	Reference
	07 USC 1427 Price Support of Agricultural Commodities
	07 USC 1431 Agricultural Act of 1949
	07 USC 1926a Consolidated Farm and Rural Development Act
	07 USC 1961 et seq Consolidated Farm and Rural Development Act
	07 USC 2014(h) Food Stamp Act
	07 USC 2273 Department of Agriculture
	07 USC 450 Miscellaneous Matters: Cooperation with State Agencies
	07 USC 612c Appropriation to encourage exportation and domestic consumption of agricultural products
	07 USC 7701 et seq Plant Protection Act
	10 U.S.C. §1089 Defense Of Certain Suits Arising Out Of Medical Malpractice
	10 U.S.C. §1094 Licensure Requirement for Health-Care Professionals
	10 U.S.C. §2733 Military Personnel and Civilian Employees Claims Act (Military Claims Act)
	10 USC 12301 et seq Armed Forces
	10 USC 2538 Miscellaneous Technology Base Policies and Programs
	10 USC 2644 Armed Forces – Transportation
	10 USC 331 et seq Insurrection
	10 USC 371 et seq Military Support for Civilian Law Enforcement Agencies
	14 USC 3 Coast Guard
	14 USC 89 Coast Guard
	16 USC 2106 Rural fire prevention and control
	16 USC 575 <i>Search for lost persons, and transportation of sick, injured, or dead persons, within national forests; authorization to incur expense</i>

**Domestic WMD Incident Management
Legal Deskbook**

Promulgating Authority	Reference
	18 USC 1116 Murder or manslaughter of foreign officials, official guests, or internationally protected persons
	18 USC 112 Protection of foreign officials, official guests, and internationally protected persons
	18 USC 1385 <i>Use of Army and Air Force as Posse Comitatus</i>
	18 USC 175 <i>Prohibitions with respect to biological weapons</i>
	18 USC 1751 Sec. 1751. Presidential and Presidential staff assassination, kidnapping, and assault; penalties
	18 USC 229 Chemical weapons: <i>Prohibited activities</i>
	18 USC 2331 et seq Terrorism
	18 USC 2518 Procedure for interception of wire, oral, or electronic communications
	18 USC 351 Congressional, Cabinet, and Supreme Court assassination, kidnapping, and assault; penalties
	18 USC 831 Prohibited transactions involving nuclear materials
	18 USC 921 Crimes-Firearms-Definitions
	28 U.S.C. §1346 United States as Defendant
	28 U.S.C. §2671 et seq Federal Tort Claims Act
	29 U.S.C. §651 et seq Occupational Safety and Health Act
	32 USC 102 National Guard
	32 USC 105 National Guard
	32 USC 112 <i>National Guard Drug interdiction and counter-drug activities</i>
	32 USC 325 <i>Relief from National Guard duty when ordered to active duty</i>
	32 USC Chapter 5 National Guard: Training
	32 USC Chapter 7 <i>National Guard: Service, Supply and Procurement</i>
	33 USC 1321-1387 Clean Water Act

Promulgating Authority	Reference
	33 USC 1321 – 1387 Updates Clean Water Act Updates
	42 U.S.C. §1983 <i>Civil action for deprivation of rights</i>
	42 USC 10501 et seq Federal Emergency Law Enforcement Assistance
	42 USC 11001 et seq Emergency Planning and Notification
	42 USC 11021 et seq The Public Health and Welfare
	42 USC 1320d et seq Administrative Simplification
	42 USC 1856 et seq Reciprocal Fire Suppression Agreements
	42 USC 1989 Public Health and Welfare
	42 USC 2011-2259 Atomic Energy Act
	42 USC 2138 Suspension of licenses during war or national emergency
	42 USC 217 <i>Use of Service in time of war or emergency</i>
	42 USC 243, 264-268 <i>General grant of authority for cooperation</i>
	42 USC 247d <i>Public health emergencies</i>
	42 USC 248 Public Health Service Act
	42 USC 249 <i>Medical care and treatment of quarantined and detained persons</i>
	42 USC 300i et seq The Public Health and Welfare: Emergency Powers
	42 USC 5121 Stafford Act The Robert T. Stafford Disaster Relief And Emergency Assistance Act
	42 USC 88-112 Sanitation and Quarantine
	42 USC 9601-9675 Comprehensive Environmental Response, Compensation, And Liability
	42 USC 97 <i>State health laws observed by United States officers</i>
	43 USC 1065 Summary removal of inclosures
	44 USC 3501 et seq Coordination Of Federal Information Policy
	47 USC 308 <i>Requirements for license</i>

**Domestic WMD Incident Management
Legal Deskbook**

Promulgating Authority	Reference
	47 USC 606 Telegraphs, Telephones, and Radiotelegraphs <i>War powers of President</i>
	50 USC 1601 et seq National Emergencies Act Termination Of Existing Declared Emergencies
	50 USC 2301 et seq Defense Against Weapons of Mass Destruction
	50 USC 401 et seq
	50 USC 82 Sec. 82. Procurement of ships and material during war
	50 USC App 2061 et seq Defense Production Act Of 1950
	Communications Act of 1934
	Fed. R. Crim. Proc. 6 The Grand Jury
Case Law	Allred United States v. Allred
	Bivens 403 US 388 Bivens v. Six Unknown Federal Narcotics Agents
	Chandler Chandler v. United States
	Douglas Oil Douglas Oil Co of CA, et al v. Petrol Stops Northwest, et al
	Dureiko 99 5043 Dureiko v. United States
	Gaubert 499 US 315 United States v. Gaubert
	Gibbons 22 US 1 Gibbons v. Ogden
	Hartley 796 F2d 1121 United States v. Hartley
	Houston 18 US 1 Houston v. Moore
	Jacobson 197 US 11 Jacobson v. Commonwealth of Massachusetts
	Luther 48 US 1 Luther v. Borden
	Martin 25 US 19 Martin v. Mott
	Milligan 71 US 2 Ex Parte Milligan
	Moyer 212 US 78 Moyer v. Peabody
	Neagle 135 U.S. 1 In Re Neagle
	Orleans 425 US 807 United States v. Orleans

Promulgating Authority	Reference
	Perpich 496 US 334 Perpich v. Department of Defense
	Prize Cases 67 US 635 The Amy Warwick (The Prize Cases)
	Sterling 287 US 378 Sterling v. Constantin
	Sunrise Village 96 428C Sunrise Village Mobile Home Park, L.C. v. United States
	Treasure Salvors 458 US 670 Florida Department of State v. Treasure Salvors, Inc.,
	Varig Airlines 467 US 797 United States v. Varig Airlines
	Walden 490 F.2d 372 United States v. Walden
	Youngstown 343 US 579 Youngstown Sheet and Tube Co. v. Sawyer
	Yunis 924 F 2d 1086 United States v. Yunis
Code of Federal Regulations	15 CFR 700 Defense Priorities And Allocations System
	21 CFR PART 1240 Control Of Communicable Diseases
	21 CFR PART 1250 Interstate Conveyance Sanitation
	28 CFR 0.85 Organization Of The Department Of Justice
	28 CFR 65 Emergency Federal Law Enforcement Assistance
	29 CFR 1903-15 Occupational Safety and Health Standards: Proposed Penalties
	29 CFR 1910 Excerpts Occupational Safety and Health Standards
	40 CFR 300 National Oil And Hazardous Substances Pollution Contingency Plan
	42 CFR 70 Interstate Quarantine
	42 CFR 71 Foreign Quarantine
	42 CFR Part 34 Medical Examination Of Aliens
	44 CFR 206 Federal Disaster Assistance For Disasters Declared On Or After November 23, 1988
	45 CFR Part 160 General Administrative Requirements

**Domestic WMD Incident Management
Legal Deskbook**

Promulgating Authority	Reference
	45 CFR Part 164 Security and Privacy
Federal Plans	National Contingency Plan
	National Plan for Information Systems Protection
	Initial National Response Plan
	Department of Health and Human Services Health and Medical Services Support Plan or the Federal Response to Acts of Chemical/Biological (C/B) Terrorism
	Federal Radiological Emergency Response Plan (FRERP)--Operational Plan
	Interagency Domestic Terrorism CONPLAN
	Interim FRP 2003
National Strategies	National Strategy for Homeland Security
	National Strategy to Secure Cyberspace Feb2003
	Physical Protection of Critical Infrastructures Strategy Feb2003
Public Law	Pub L 104 191 HIPAA Health Insurance Portability and Accountability Act of 1996
	Pub. L. 106 390 Disaster Mitigation Act of 2002
	Pub. L. 107 171
	Pub. L. 107 197
	Pub. L. 107 228
	Pub. L. 107 248
	Pub. L. 107 273
	Pub. L. 107 295
	Pub L 107 296 Department of Homeland Security Establishment
	Pub. L. 107 306
	Pub L 107 314 Bob Stump National Defense Authorization Act For Fiscal Year 2003
	Pub L 107-188 Public Health Security And Bioterrorism Preparedness And Response Act Of 2002
	Pub L 108 7
	Pub. L. 108 21
	Pub. L. 108 87
	Pub L. 107-188 Bioterrorism Act
	Smallpox Emergency Personnel Protection Act Of 2003
	USA PATRIOT Act Pub.L. 107-56

Promulgating Authority	Reference
State Authorities	AL Code 22 12 1 et seq. Quarantine Laws and Regulations
	Conn. Pub. Acts 03-236 Public Health Emergency Response Authority
	Mont. Code Ann. 103-3-101 et seq. Disaster and Emergency Services
	NC Sess Law 2003 227 Vaccination Program For First Responders To Terrorist Incidents, Catastrophic Or Natural Disasters, Or Emergencies
	NH Rev Stat 110 B-1 Public Defense- Militia
	NYS Exec Law Ch 18 Art 2B State and Local Natural and Man-Made Disaster Preparedness
	NYS Mil. L. 1.2 The Militia Of The State
	SD Codified Laws Ann. 33-14-1 Authorization To Organize State Guard
	Tenn Code 58-1-104 Military forces - Division and composition
	VA Emergency Services and Disaster Law
Other References	141 ALR Fed 531
	American Crazy Quilt Posse Comitatus
	Federalist No 45
	Model State Emergency Health Act II Model State Emergency Health Powers Act
	Opening the Gate-Gilligan
	PCCIP-Report Protecting America's Infrastructures
	REVISED FSA IHP OCT 2002 Revised FEMA-State Standard Agreement
	PCA Guidance USAF General Counsel Posse Comitatus Act Guidance
	DTRA WMD Consequence Management Legal Seminar I Seminar Report
	DTRA WMD Consequence Management Legal Seminar II Seminar Report
	DTRA WMD Consequence Management Legal Seminar III Seminar Report
	DTRA WMD Incident Management Legal Seminar IV Draft Report
	DTRA Preliminary Report on Literature Search for Legal Seminars